

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1797 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

PRASHANTBHAIA JASWANTSINH LAVANA

Versus

DAMYANTIBEN DILIPBHAI DAND

Appearance:

MR HR PRAJAPATI for the Petitioner.

MR SUDHANSHU S PATEL for the Respondent.

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/04/2004

ORAL JUDGEMENT

The petitioner is the original plaintiff of Summary Suit No.5293 of 1998. In the said suit, the defendant prayed for leave to defend the suit. The trial court, by the impugned order, granted leave to defend to the defendant as the trial court is of the opinion that

there is a triable issue involved in the suit. In my view, such an order is not required to be interfered with in a revision filed under Section 115 of the Code of Civil Procedure. Even otherwise, the order in question is not revisable under Section 115 of the Code of Civil Procedure. Therefore, the CRA is rejected on the aforesaid ground. Rule is discharged. No costs. However, in the facts and circumstances of the case, the trial court is directed to expedite the suit and may dispose of the suit as early as possible, and, in any case, within a period of one year from today. However, it is subject to the convenience of the Court, but if possible, the court may try to put an end to the old suit of 1998.

13th April, 2004 (P.B. Majmudar, J.)

(apj)